

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

LORI GREINER,)	
An Individual,)	
)	
Plaintiff,)	
AND)	
)	
FOR YOUR EASE ONLY, INC.)	
An Illinois Corporation,)	
)	
Plaintiff,)	Civil Action No. 07 C 6451
)	
v.)	
)	The Honorable Jude Charles Norgle
CVS CAREMARK CORPORATION)	
(formerly CVS CORP.),)	Magistrate Judge Susan Cox
A Delaware Corporation,)	
)	
Defendant,)	
CVS PHARMACY, INC.)	
A Rhode Island Corporation,)	
)	
Defendant, and)	
)	
ATICO INTERNATIONAL USA, INC.,)	JURY TRIAL DEMANDED
A Delaware Corporation)	
Defendant.)	

AMENDED COMPLAINT

Plaintiff alleges as follows:

The Parties

1. Plaintiff, Lori Greiner ("Ms. Greiner"), is an individual and has a place of business at 1301 North Dearborn Parkway, Chicago, Illinois 60610.
2. Plaintiff, For Your Ease Only, Inc, ("For Your Ease Only"), is a corporation organized and existing under the laws of Illinois and has a principal place of business at 1301 North Dearborn Parkway, Chicago, Illinois 60610.

3. Upon information and belief, Defendant, CVS Caremark Corporation (hereinafter with CVS Pharmacy, Inc. collectively referred to as “CVS”) (formerly CVS Corp.), is a corporation organized and existing under the laws of Delaware and has a principal place of business at One CVS Drive, Woonsocket, RI 02895.

4. Upon information and belief, Defendant, CVS Pharmacy, Inc. (hereinafter with CVS Caremark Corporation collectively referred to as “CVS”), is a corporation organized and existing under the laws of Delaware and has a principal place of business at One CVS Drive, Woonsocket, RI 02895. CVS has approximately 225 retail locations within the State of Illinois and has general and systematic contacts with Illinois.

5. Upon information and belief, Defendant, Atico International USA, Inc. (“Atico”), is a corporation organized and existing under the laws of Delaware and has a principal place of business at 501 S. Andrews Avenue, Fort Lauderdale, FL 33301, and has general and systematic contacts with Illinois at least through the sale of a wide variety of products through many retailers having many stores in Illinois, including but not limited to CVS stores.

Jurisdiction

6. This is a claim of patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 171, 271, 282-285, and 289.

7. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over the Defendants by virtue of, inter alia, their general, continuous and systematic contacts with Wisconsin.

Count I

Patent Infringement

9. On September 26, 1996, United States Patent No. D528,840 entitled JEWELRY STORAGE CONTAINER was duly and legally issued to Ms. Greiner. Ms. Greiner is the owner of the entire right, title and interest in and to United States Patent No. D528,840 and has been and still is the owner thereof. United States Patent No. D528,840 is attached as Exhibit A.

10. Ms. Greiner started For Your Ease Only to sell a variety of original products. For Your Ease Only has successfully sold and continues to sell products, including the product called “Gold and Silver Safekeeper Mirrored Jewelry Cabinet” (“Mirrored Jewelry Cabinet”), including sales on QVC. FYEO has exclusive rights to sell products under U.S. Patent No. D528,840.

11. Upon information and belief, CVS has had manufactured for it, offered for sale, sold and used a Mirrored Jewelry Box which infringes United States Patent No. D528,840. Pictures showing CVS’s infringing product are attached as Exhibit B.

12. Upon information and belief Atico has worked with CVS to have manufactured, offered for sale, sold or used a Mirrored Jewelry Box which infringes United States Patent No. D528,840, and/or induced or contributed to such infringing acts by CVS or others.

13. A customer notified For Your Ease Only that CVS sold the infringing Mirrored Jewelry Box, indicating a belief it was the same as For Your Ease Only’s patented Mirrored Jewelry Cabinet.

14. Upon information and belief, Defendants have had actual knowledge of United States Patent No. D528,840 and their infringement of this patent has been and continues to be willful and deliberate.

15. Plaintiffs have been damaged by Defendants' infringement of United States Patent No. D528,840 and will continue to be damaged in the future unless Defendants are permanently enjoined from infringing said patent. The Defendants' infringing activities are eroding the market value of the patented product and are causing FYEO and Ms. Greiner lost profits and other damages. Defendants are fully aware that such injury resulting from the acts of infringement would harm Ms. Greiner and FYEO, residents of Illinois.

Prayer for Relief

WHEREFORE, Plaintiffs pray for the following relief:

- a. A judgment that Defendants have infringed United States Patent No. D528,840;
- b. An injunction enjoining and restraining Defendants, their officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing United States Patent No. D528,840;
- c. A judgment and order requiring Defendants to pay damages under 35 U.S.C. § 284, including treble damages for any willful infringement as provided by 35 U.S.C. § 284, with interest;
- d. A judgment and order requiring Defendants to pay profits as provided by 35 U.S.C. § 289;
- e. A judgment and order directing Defendants to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285, with interest; and
- f. Such other and further relief as this Court may deem just and equitable.

Demand for Jury Trial

Plaintiffs hereby demand that all issues be determined by jury.

LORI GREINER AND
FOR YOUR EASE ONLY, INC.,

By their attorneys,

Date: January 17, 2008

_____/s/Donald B. Levine
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